**THE HON'BLE SRI JUSTICE C.V.RAMULU**

W.P.No.23479 of 2005

**ORAL ORDER:**

This writ petition is filed seeking a Mandamus directing the respondents to pay salary to the petitioner for the period from 20.3.2003 to 30.8.2003 and 22.1.2004 to 1.7.2004 under Regulation 57(1) and (2) of the Andhra Pradesh State Electricity Board Service Regulations, Part-I.

It appears, petitioner while working as Lineman in the Respondent Corporation, an accident had occurred on 16.6.1999, whereunder a contract labour died, therefore, petitioner was proceeded with criminally vide C.C.No.174 of 1999 on the file of the learned I Additional Munsif Magistrate, Guntur for his negligence. After full trial, petitioner was convicted by order dated 7.5.2001. On the basis of the said conviction, he was dismissed from service by order dated 18.3.2003. Aggrieved by the same, petitioner filed Writ Petition No.16190 of 2003 before this Court and this Court granted interim order in WPMP.No.20051 of 2003 dated 4.8.2003 suspending the dismissal order. In pursuance of the said interim orders, petitioner was reinstated into service with effect from 30.8.2003. Thereafter, the said interim order was vacated and therefore, petitioner was again dismissed from service. In the meanwhile, questioning the conviction order passed in C.C.No.174 of 1999, petitioner filed appeal before the VIII Addl. Sessions Judge (Fast Track Court), Guntur in Crl.A.No.274 of 2001. The said appeal was allowed by order dated 21.4.2004 setting aside the conviction and sentence against the petitioner. In view of the same, petitioner was again reinstated into service and he was continued in service. According to the petitioner, the service between 20.3.2003 to 30.8.2003 and 22.1.2004 to 1.7.2004 was not regulated as required under Regulation 57(1) and (2) of the Andhra Pradesh State Electricity Board Service Regulations, Part-I (for short

'APSEB Regulations'). In this regard, it appears, petitioner made a representation to the second respondent on 15.12.2004. The second respondent vide proceedings dated 15.2.2005 requested the third respondent to follow the rule position i.e. para 3 of the Boards Memo in the case of the petitioner and report compliance.

The learned counsel for petitioner submits that the case of the petitioner squarely falls under Regulation 57(2) of APSEB Regulations. Whereas the learned counsel for respondents Mr.P.Balarama Reddy submitted that the case of the petitioner falls under Regulation 57(6) of APSEB Regulations.

Be that as it may, since the case of the petitioner was directed to be considered by the second respondent, the third respondent is directed to consider the case of the petitioner as per Regulation 57(1) and (2) of APSEB Regulations, if they are applicable to him, as per law, for regularizing the period from 20.3.2003 to 30.8.2003 and 22.1.2004 to 1.7.2004 and pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of this order and communicate the same to the petitioner.

The writ petition is accordingly disposed of. No order as to costs.

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C.V.RAMULU, J

Date: 13.11.2007
DA

**THE HON'BLE SRI JUSTICE C.V.RAMULU**

W.P.No.23479 of 2005

13.11.2007

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH**
**AT HYDERABAD**

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.23479 of 2005

Date: 13th November, 2007

Between:

M.Ramulu

.. Petitioner

And

Southern Power Distribution Company
of A.P. Limited, rep. by its Chairman and
Managing Director, Tirupati & others.

.. Respondents